

United States Court of Appeals
Fifth Circuit

**UNITED STATES COURT OF APPEALS FILED
FOR THE FIFTH CIRCUIT**

December 27, 2006

Charles R. Fulbruge III
Clerk

No. 04-41362

D.C. Docket No. 2:03-CV-183

JAMES EDWIN HODGES; BEVERLY HODGES

Plaintiffs - Appellees-Cross-Appellants

v.

MACK TRUCKS INC

Defendant - Appellant-Cross-Appellee

No. 04-41764

JAMES EDWIN HODGES; BEVERLY HODGES

Plaintiffs - Appellants

v.

INDIANA MILLS & MANUFACTURING INC; ET AL

Defendants

MACK TRUCKS INC

Defendant - Appellee

No. 05-40686

JAMES EDWIN HODGES; BEVERLY HODGES

Plaintiffs - Appellees

v.

INDIANA MILLS & MANUFACTURING; ET AL

Defendants

ABF FREIGHT SYSTEM INC

Intervenor - Appellant

Appeals from the United States District Court for the
Eastern District of Texas, Marshall.

Before DAVIS, BARKSDALE, and DeMOSS, Circuit Judges.

J U D G M E N T

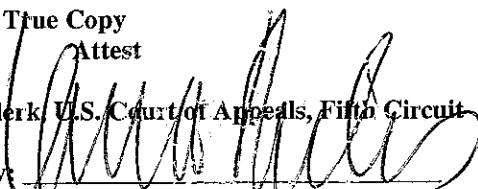
This cause was considered on the record on appeal and was argued by counsel.

It is ordered and adjudged that the judgment of the District Court is vacated, and the cause is remanded to the District Court for further proceedings in accordance with the opinion of this Court.

IT IS FURTHER ORDERED that each party bear its own costs on appeal.

DAVIS, Circuit Judge, dissenting:

ISSUED AS MANDATE:

A True Copy
Attest
Clerk, U.S. Court of Appeals, Fifth Circuit
By: 
Deputy

New Orleans, Louisiana